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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,410	09/05/2003	Dennis Anthony Jones	004415.00003	7394

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/656,410

Applicant(s)

JONES, DENNIS ANTHONY

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,8 and 10-13 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/11/03; 3/8/04; 4/5/04; 5/10/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Regarding claim 1, the phrase "and/or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and/or"), thereby rendering the scope of the claim(s) unascertainable.

Regarding claims 6 and 9, the phrase "can be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Claim 1 recites the limitation "the roof" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the two components" in line 2. There is insufficient antecedent basis for this limitation in the claim.

In claim 3, it is not clear if the "each profiled sections) is the same as the "adjacent sections" of claim 1 or a different element of the invention. Until further clarification, the claims have been examined as the "profiled section" being the same as the "adjacent section" of claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,937,590 to RICHARDSON. RICHARDSON discloses the use of a conservatory framework including an eaves structure formed by a two part connector (58,52) and (60) that are angularly adjustable to one another about an axis perpendicular to the longitudinal axis of the frame, column 2, lines 63-67. Regarding claim 3, connector parts 960) and (58,52) are arranged to interfit with the profiled section (12) such that (60) telescopes within (12). In reference to claim 4, the connector part 960) is provided with a projection (62) arranged to be superposed with a like projection (62). Regarding claim 5, the connector parts (60) locate a load transmitting member (56).

Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2247474. In reference to claims 14 and 15, GB 2247474 discloses the use of a roofing structure including an end fitting, as shown in figure 4, including a first portion (17) that underlies a roofing panel (not shown) and a second portion (as shown in figure 3) that overlies the panel (not shown) wherein the first portion (17) and the second portion (as shown in figure 3) are separate from one another and are connectable as at (30,310 and (32) to allow for panels of varying thicknesses, page 4, line 13-18. Regarding claims 16 and 17, the first portion (17) is connectable to the second portion (as shown in figure 3) by interfitting male (28,29) and female (32) members.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 7,8 and 10-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the prior art of record fails to teach the use of an angularly adjustable connector part for a framework in combination with a sill.

In reference to claim 6, the prior art of record fails to teach the use of angularly adjustable interdigitating finger connectors wherein the connectors are capable of being linked in inverted relation.

Regarding claims 7-13, the prior art of record fails to teach the use of a framework including the combination of a coupling having a plate and upstanding pivot post and an arm coupled to the pivot post wherein the plate is received in a channel formed in the frame member.

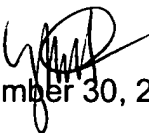
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yvonne M. Horton
Examiner
Art Unit 3635


September 30, 2004